

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY GILMORE, : CIVIL ACTION
: :
V. : :
: :
MARILYN J. BROOKS, et al. : NO. 1:04-cv-358

MOTION FOR ENLARGEMENT OF TIME TO FILE
MEMORANDUM OF LAW IN SUPPORT OF AMENDED
PETITION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2254

Anthony Gilmore, the petitioner named in the above-captioned matter, respectfully request that the time for filing a memorandum of law in support of the amended petition for writ of habeas corpus identified above be extended sixty days -- from August 1, 2005, to October 2, 2005 -- and, in support thereof, states:

1. On July --, 2005, the Clerk entered this Court's order directing that petitioner file a brief in support of the amended habeas corpus action on or before August 1, 2005.

2. Since the order was served by mail, the response is currently due on August 5, 2005. Fed.R.Civ.P. 6(e).

3. Petitioner will be unable to file his brief in support of his amended habeas petition on its current due date.

4. Petitioner is currently confined. As such, his

movement is restricted; his access to law library use is restricted to six (6) hours per week; he is without a full record of the trial court record. Moreover, his ability to conduct the research and investigation necessary, and gather all information and affidavits from witnesses, all of which are extremely pertinent to the instant habeas action, so as to properly and effectively set forth his habeas allegations is therefore impaired to a great extent. The time for filing the brief in support of the amended habeas action is fastly approaching, and petitioner still has not be able to acquire pertinent affidavits from critical witnesses or conduct the required legal research to support the habeas claims. Though petitioner is making every effort to obtain the necessary affidavits, conduct the necessary legal research, and prepare the brief, his circumstances of confinement will prevent him from doing so on or before August 5, 2005.

5. Thus, it is necessary for petitioner to seek additional time for filing the brief in support of the habeas allegations in this case.

WHEREFORE, petitioner respectfully request an additional sixty days -- to October 2, 2005 -- in which to file his brief in support of the Petition for Writ of Habeas Corpus.

Respectfully submitted,

Anthony Gilmore

Anthony Gilmore

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY GILMORE, : CIVIL ACTION
: :
v. : :
: :
MARILYN J. BROOKS, et al. : NO. 1:04-cv-358

CERTIFICATE OF SERVICE

I, Anthony Gilmore, hereby certify that on July 18, 2005, a copy of the foregoing pleading was served by placing same, first class postage prepaid, in the United States Mail addressed to:

Bradley Foulk, Esquire
Office of the District Attorney
Erie County Courthouse
Erie, PA 16501

Anthony Gilmore
Anthony Gilmore
SCI Albion
Inmate No. EB-8234
10745 Route 18
Albion, PA 16475-0002

Anthony Gilmore
SCI Albion
Inmate No. EB-8234
10745 Route 18
Albion, PA 16475-0002

July 18, 2005

Clerk's Office
United States District Court
P.O. BOX 1820
Erie, PA 16507

Re: Gilmore v. Brooks, et al.
Civil Action No. 1:04-cv-358

Dear Clerk,

Enclosed and for filing with the Court in the above-captioned matter please find the original of a Motion for Enlargement of Time to File Brief in Support of Amended Petition for Writ of Habeas Corpus. Copies have been served on the respondent and in the manner indicated by the Certificate of Service.

Cordially yours,

Anthony Gilmore
Anthony Gilmore

AG/
Enclosure

cc: Bradley Foulk, Esquire